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12TH ASIAN DEVELOPMENT BANK BUSINESS OPPORTUNITIES FAIR 2024

9-10 OCTOBER 2024 | 9 A.M. to 5 P.M. | ADB HEADQUARTERS, MANILA

Procurement-Related Complaints

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10 October 2024



What is covered?

ADB-Administered (Technical Assistance)

- Complaint arising from, or in connection with, the recruitment of consultants or the procurement of goods, works, and nonconsulting services by ADB, as submitted by an interested party, which may amount to a breach in **ADB's 2017 Procurement Policy**

Borrower- Administered (Loan/Grant)

- Complaint arising from, or in connection with, a bidding process financed in whole or in part by an ADB loan/grant or ADB-administered funds, as submitted by an interested party, which may amount to a breach in **ADB's 2017 Procurement Policy and/or Procurement Regulations for Borrowers**

Exception

Complaints that allege fraud, corruption, or any prohibited practice under ADB's 1998 Anticorruption Policy and 2015 Integrity Principles and Guidelines



Who can submit a complaint?

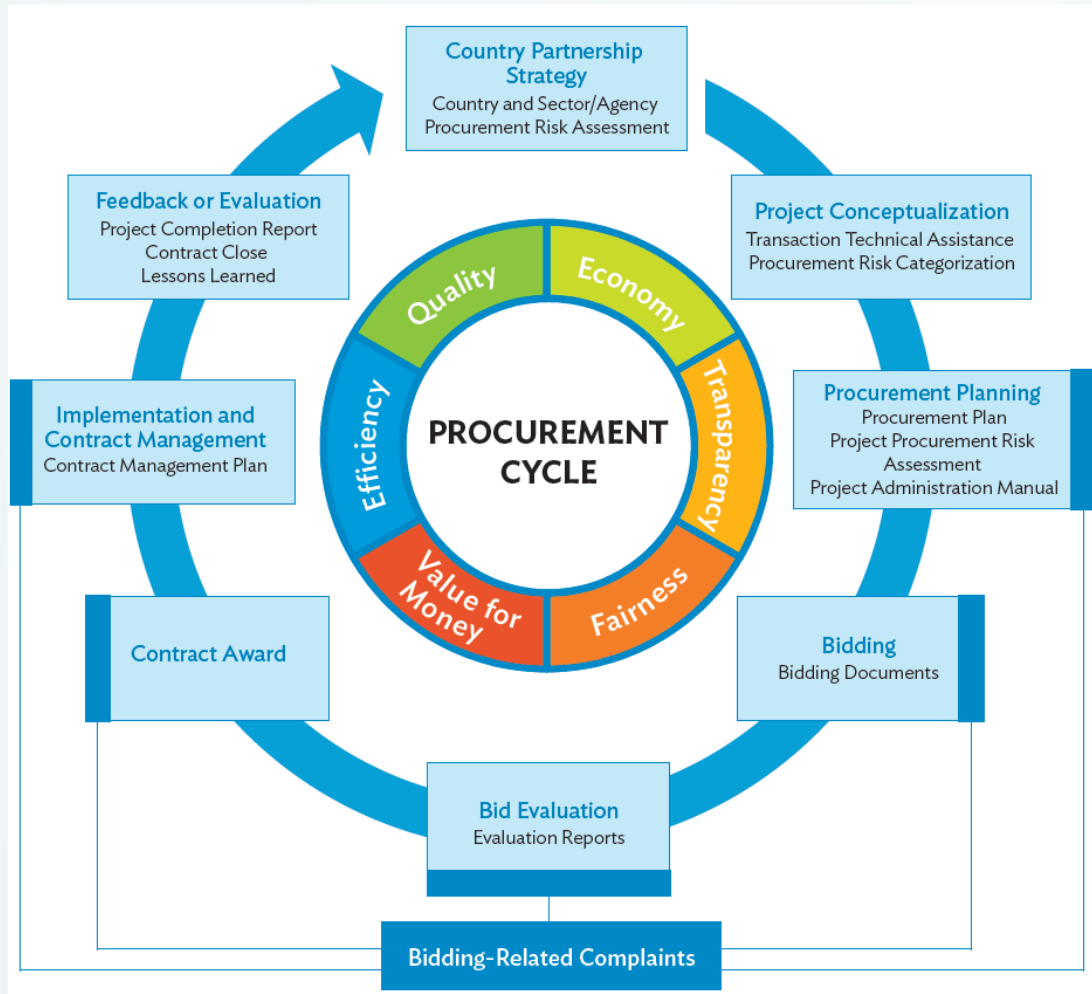


Interested Party (complainant)

- An applicant for prequalification
- A bidder bidding for, proposing to bid for, or being notified award of or intention to award a contract
- A party interested in bidding or expressing interest



When to submit?



Pre-bid

- Within the time specified in bidding/PQ documents

Post-bid (standstill or holding)

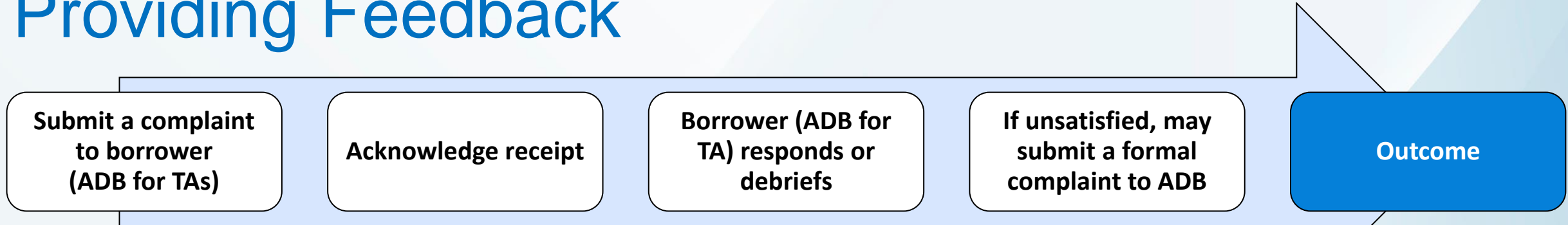
- Within the time specified in bidding/PQ documents (not usually applicable to consultancy services)

Post contract award (no standstill or holding)

- As soon as possible after notification



Providing Feedback



Clarifications

Requests can be submitted within the specified bid deadline
If supported, response or amendment to bidding document will be shared with all bidders

Debriefings

Available if a bidder wishes to ascertain the grounds on which its bid was not selected
Conducted verbally or in writing
Details of other submitted bids will not be disclosed
No obligation to debrief shortlisted firms and individual consultants that submitted EOIs



Types of complaints

Prior to Submission
of bids

- Inconsistencies/errors in the procurement documents, if the borrower has not responded to a request for clarification or the bidder is not satisfied with the clarification
- Reporting of misapplication of the provisions of the procurement documents

After submission of
bids but prior to
contract award

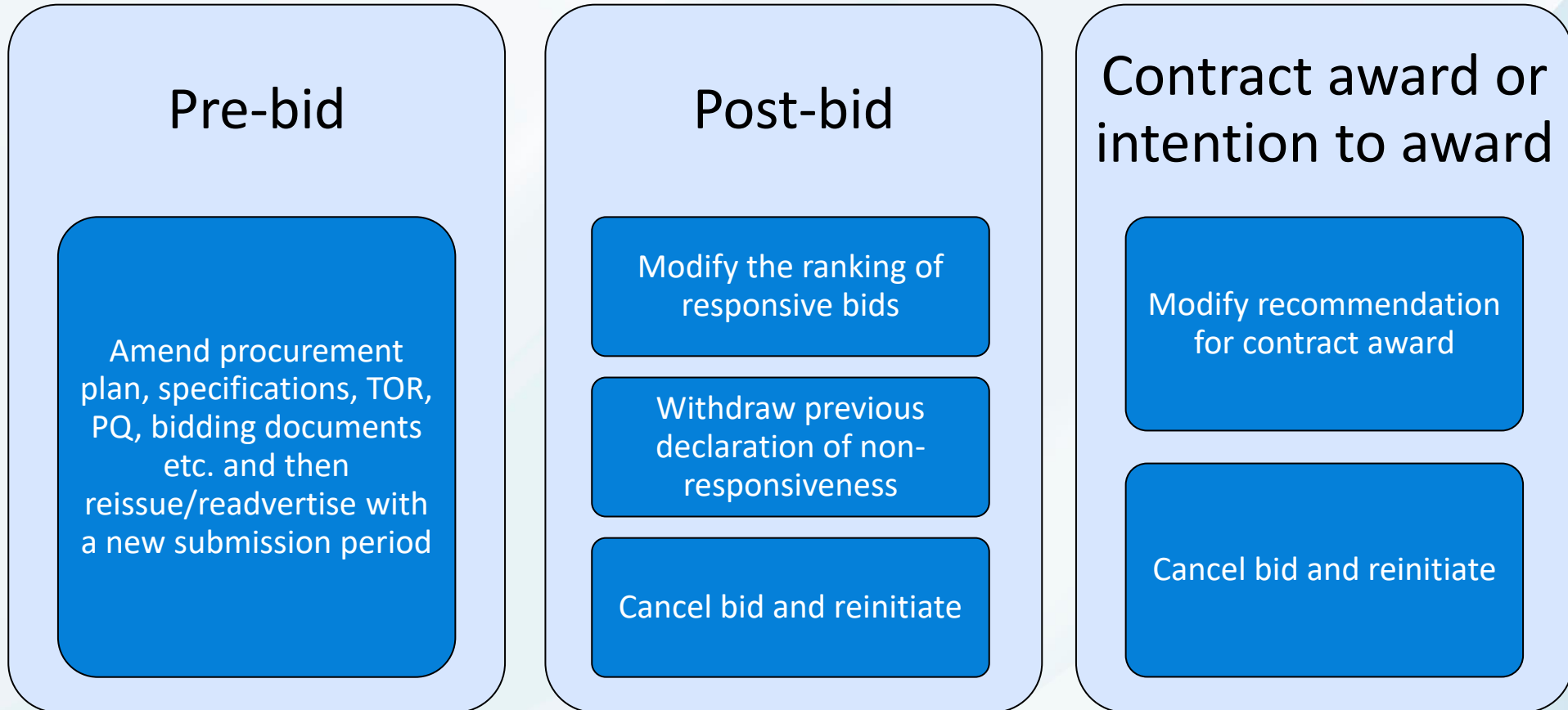
- Decision to reject a bidder from a bidding process following:
 - A notification of an intention to award a contract where a standstill period applies
 - A proposed decision to reject a bidder from the bidding process under two-envelope and two-stage procedures allowing a holding period

After contract award

- Decision to award the contract



Possible outcome of complaint submission





How to submit a complaint



Content

- Interested party
- Relevant project and transaction
- When did the alleged violation occur
- What has been allegedly violated or compromised by borrower/ADB
- Supporting documents and correspondence
- Actual or likely adverse impact
- Relief or remedy requested

Format

- Loans/grants: to borrower via mail, email, or fax to the address in the bidding document
- TA: to ADB via Procurement Complaints Tracking System

<https://www.adb.org/forms/complaints>

The screenshot shows the ADB website page for submitting a complaint. The URL in the browser is <https://www.adb.org/forms/complaints>. The page title is "Submit a Procurement or Consulting Complaint". Below the title, there is a note: "Please note that this complaint submission form is intended for ADB operations procurement-related complaints only." followed by two bullet points: "- For concerns regarding fraud or corruption, please contact ADB's Office of Anticorruption and Integrity." and "- For concerns regarding compliance with ADB's operational policies and procedures, and solving problems of project-affected people, please refer to ADB's Accountability Mechanism." Below this, it says "Fields marked with * are required." and "You may also view the Quick Reference Guide on submitting a procurement or consulting complaint." At the bottom, there is a section titled "Type of complaint:" with two radio button options: "Procurement (Complaint related to procurement of goods, works or non-consulting services)" and "Consulting (Complaint related to consulting services)".



2023 Statistics: Amount and Reasons

Outcome (compared to 2022):

- ✓ ADB recorded 56 complaints, of which 45 were closed at year-end
- ✓ Procurement: decrease of 33%.
- ✓ Consulting services: decrease by 54%.
- ✓ 42% improvement in resolving procurement complaints.
- ✓ Again, all consulting services complaints closed.

Table 3: Complaints Related to Procurement and Consulting Services

	2020				2021				2022				2023			
	Received	Open	Closed	%	Received	Open	Closed	%	Received	Open	Closed	%	Received	Open	Closed	%
Procurement	80	15	65	81	91	31	60	66	48	30	15	31	40	11	29	72.5
Consulting Services	65	14	51	78	46	1	45	98	35	0	35	100	16	0	16	100

Source: Asian Development Bank, Procurement Services Unit and Consulting Services Unit.

Table 4: Most Common Reasons of Complaints

Procurement		Consulting Services	
1	Bid evaluation	Proposal evaluation	
2	Prequalification	Contract administration issues - Contract management and payment	
3	Contract award	CSRN/Advertisement and CMS Access	
4	Contract administration issues – contract management and payment	Contract negotiations and signing	
5	Bidding procedure compliance	Preparation of longlist and shortlisting of consultants (EOI stage)	

CMS = Consultant Management System, CSRN = consulting services recruitment notice, EOI = expression of interest.
Source: Asian Development Bank (Procurement, Portfolio, and Financial Management Department).

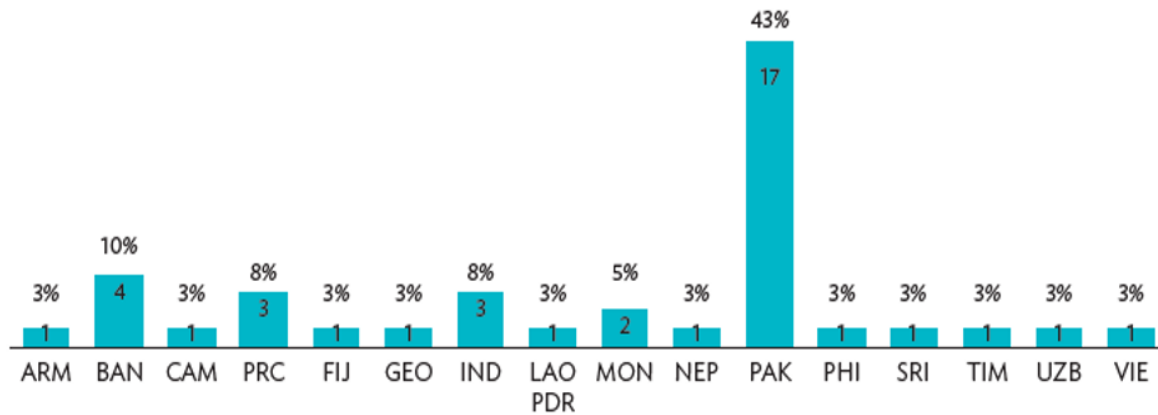


2023 Statistics: Complaints by Country

Goods, Works and Nonconsulting Services

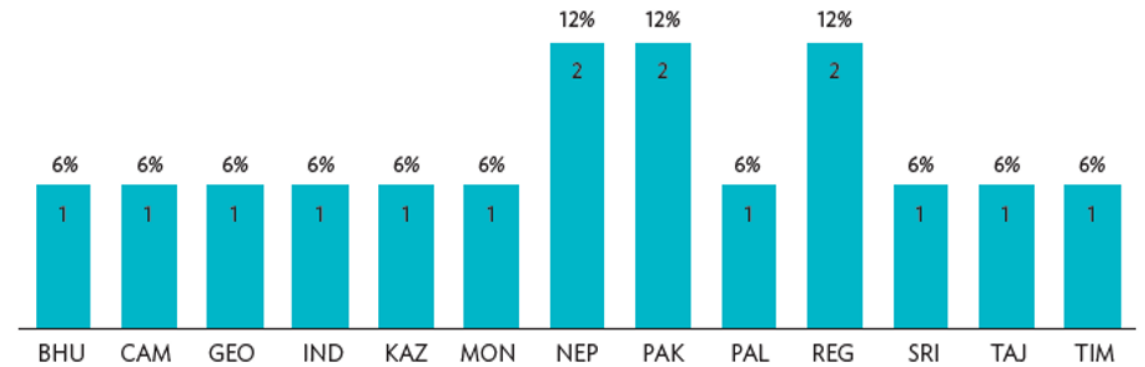
Consulting Services

Figure 37: Procurement of Goods, Works, and Nonconsulting Services—Complaints by Country



ARM = Armenia, BAN = Bangladesh, CAM = Cambodia, FIJ = Fiji, GEO = Georgia, IND = India, LAO PDR = Lao People's Democratic Republic, MON = Mongolia, NEP = Nepal, PAK = Pakistan, PHI = Philippines, PRC = People's Republic of China, SRI = Sri Lanka, TIM = Timor-Leste, UZB = Uzbekistan, VIE = Viet Nam.
 Source: Asian Development Bank.

Figure 38: Consulting Services—Complaints by Country



BHU = Bhutan, CAM = Cambodia, GEO = Georgia, IND = India, MON = Mongolia, NEP = Nepal, PAK = Pakistan, PAL = Palau, PRC = People's Republic of China, REG = Regional, SRI = Sri Lanka, TAJ = Tajikistan, TIM = Timor-Leste.
 Source: Asian Development Bank.



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Thank you!

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